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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DEAN F. JERDING,
ARTURO A. RODRIGUEZ and
ROBERT O. BANKER

Appeal 2010-000996
Application 09/693,790
Technology Center 2400

Before MARC S. HOFF, CARLA M. KRIVAK, and
ELENI MANTIS MERCADER, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 117-128, 130, 131, 149-163, and 165-187 (App. Br. 2). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' claimed invention is generally related to television systems, and more particularly, to the field of interactive guides (Spec 1: 9-10).

Independent claim 117, reproduced below, is illustrative.

117. A method for enabling a user to search for media programs, the method comprising:

- enabling a user to record a first set of media programs in a first storage device associated with a digital personal video recorder (PVR);

- storing media information corresponding to the recorded first set of media programs in the first storage device, the media information including information related to at least a title and media type for each media program;

- receiving media information corresponding to a second set of media programs that are currently being broadcast;

- receiving media information corresponding to a third set of media programs that are to be broadcast in the future;

- storing the media information corresponding to the second and third sets of media programs in a second storage device;

- providing to the user a search option to search for media programs;

- responsive to the user activating the search option, enabling the user to enter a search term;

- responsive to the user entering a search term, searching the first and second storage devices for media information having a high level of correlation with the search term; and

- providing a list of media programs corresponding to the media information having a high level of correlation with the search term.

REFERENCES and REJECTIONS

The Examiner rejected claims 117-128, 130, 131, 149-161, 166, 167, and 170-185 under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) based on the teachings of Nishikawa (US 6,481,010 B2, Nov. 12, 2002) (Ans. 3).

The Examiner rejected claims 165, 168, and 169 under 35 U.S.C. 103(a) based on the teachings of Nishikawa (Ans. 7).

The Examiner rejected claims 130, 131, 162, 163, 186, and 187 under 35 U.S.C. 103(a) based on the teachings of Nishikawa and Koshimuta (US 6,515,710 B1, Feb. 4, 2003) (Ans. 8).

ANALYSIS

Rejection under 35 U.S.C § 102

The Examiner finds Nishikawa discloses recording a first set of media programs in a first storage device associated with a digital personal video recorder (PVR) and storing media corresponding to the recorded first set of media programs in the first storage device (Ans. 3,)

Appellants contend Nishikawa teaches neither of these features. That is, Appellants assert Nishikawa teaches an analog video cassette recorder (VCR) that records media programs. Additionally, the Examiner's reliance on Nishikawa's DSS/Internet data that includes cached websites that are accessible and a hard disk drive (HDD) and/or flash memory, etc., for storing downloaded data such as program guide information and recording media programs, is incorrect. (App. Br. 7-9) That is, these devices do not store the recorded media program, only the program guide information (App. Br. 8). We agree with Appellants that Nishikawa's VCR is only

capable of recording a media program and is incapable of storing media information about the stored media programs (App. Br. 9). Thus, Nishikawa does not disclose “media information corresponding to the recorded first set of media programs in the first storage device wherein the first storage device is the same device used to store the media programs themselves” (App. Br. 9; Reply Br. 8). The Examiner’s reliance on a separate storage device for storing the media information is incorrect (Reply Br. 4-8). Thus, we find claims 117-128, 130, 131, 149-161, 166, 167 and 170-185 not anticipated by Nishikawa.

Rejection under 35 U.S.C. § 103

We further find claims 117-128, 130, 131, 149-161, 166, 167 and 170-185 not obvious over Nishikawa for the reasons set forth above. That is, we find no suggestion in Nishikawa of employing the VCR as both a recording device and a storage device for storing media information corresponding to the recorded media programs. We further agree with Appellants that searching the Internet is not the same as searching “first and second storage devices” as claimed (App. Br. 11).

Claims 130, 131, 162, 163, 165, 168, 169, 186 and 187 are rejected as obvious over Nishikawa alone or in combination with Koshimuta. Since we find Nishikawa does not anticipate independent claims 117, 149, and 171, from which claims 165, 168, and 169 depend, we find dependent claims 165, 168 and 169 not obvious over Nishikawa for the same reasons.

Koshimuta does not cure the deficiencies of Nishikawa. Therefore, claims 130, 131, 162, 163, 186 and 187 are also not obvious over the combination of Nishikawa and Koshimuta.

CONCLUSION

The Examiner erred in rejecting claims 117-128, 130, 131, 149-163, and 165-187 under 35 U.S.C. § 102(e) and/or 35 U.S.C. §103(a).

DECISION

The Examiner's decision rejecting claims 117-128, 130, 131, 149-163, and 165-187 is reversed.

REVERSED